

Patent
Attorney Docket: AUS920010772US1
(IBM/0027)

REMARKS

Applicant notes that the Office Action did not include a copy of the IDS form listing the references submitted by Applicant. Applicant respectfully requests that the Examiner formally acknowledge receipt and consideration of the references timely submitted by Applicant.

Applicant thanks the Examiner for the time taken to conduct a telephone interview regarding the pending Office Action. The issues discussed in the interview are contained within the following remarks.

Claims 1 – 7, 10, 12 - 18, 21, 23 – 19 and 32 stand rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,791,481 issued to Altare, *et al.* Applicant has amended independent claims 1, 12 and 23 to include the limitations of claims 8, 19 and 32, which claims stand objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Since Applicant has amended the independent claims to include the limitations of claims 8, 19 and 32, Applicant respectfully requests reconsideration and withdrawal of the rejection of independent claims 1, 12 and 23 as well as all claims depending therefrom.

Claims 11, 22 and 33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,791,481 issued to Altare, *et al.* as applied to claims 1, 12 and 23 above, and further in view of U.S. Patent Publication No. 2002/0071652 of Ohnishi. Claims 11, 22 and 33 are dependent claims depending from independent claims 1, 12 or 23. For the reasons provided in the remarks above concerning the independent claims, Applicant respectfully requests reconsideration and withdrawal of the rejection of dependent claims 11, 22 and 33.

Claims 8 – 9, 19 - 20 and 30 - 31 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for finding the allowable

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material of these objected claims. Applicant has amended independent claims 1, 12 and 33 to include the limitations of objected claims 8, 19 and 30 and has cancelled these claims.

Applicant respectfully asserts that all claims are now in condition for allowance and respectfully requests the timely issuance of a Notice of Allowance. If the Examiner believes that a telephone interview would expedite the examination of this pending application, the Examiner is invited to telephone the undersigned attorney at the convenience of the Examiner. In the event there are additional charges in connection with the filing of this Response, the Commissioner is hereby authorized to charge the Deposit Account No. 50-0714/IBM/0027 of the firm of the below-signed attorney in the amount of any necessary fee.

Respectfully submitted,

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